

July 16, 2014

Student visa extension, illiterate applicants and spouses of U.S. Citizens

Q: My daughter's student visa expires about two or three days after her graduation/commencement ceremony in 2014 but we would like to have a short (10-day perhaps) vacation after the ceremony before returning to Jamaica. How do we get a short extension of her visa for this purpose?

That sounds like a wonderful plan! There is a 60-day “grace period” for students to prepare for their departure, so it is unlikely that your daughter would need to extend her current status. To be doubly sure, however, she may wish to visit her Designated School Official (DSO) to check the duration of her status. If she does need to extend her visa after checking with her school DSO, she can file for an extension. The DSO can explain this to her – but again, in most instances this would not be necessary for a 10-day trip.

It's a common misconception that the nonimmigrant visa validity indicates how long visa holders can stay in the United States. If a visa is valid, it means that you can travel to the U.S. and present yourself to Customs and Border Protection (CBP) at the port of entry. The CBP officer then determines the maximum amount of time you are allowed to stay in the U.S. If you'd like to stay in the U.S. beyond this time, check the U.S. Customs and Immigration Service website, www.uscis.gov/i-539, to see if your visa class can be extended.

Q: I am a U.S. citizen living in Jamaica with my Jamaican-born husband. We have been married for seven years. During this time I have traveled to the U.S. on vacation a few times.

My husband has never had a U.S. visa but he wishes to apply for one by the end of the year. He has many relatives living in the US and he wants to visit them. I have been told that because he is married to a U.S. citizen he will be denied getting a visa and that I would have to actually move to the U.S. to file for him.

Will he be denied a visitor's visa because he is married to a citizen?

No. Your husband's marriage to an American citizen (you!) certainly does NOT render him ineligible for a visitor's visa.

Whenever someone applies for a B1/B2 visitor's visa, the burden of proof is on the applicant to explain their circumstances and why they should qualify for a tourist visa. The consular officer will ask questions about your husband's professional and family life to determine if he qualifies. Your husband should be prepared to demonstrate why he does not intend to immigrate and show that he will abide by the requirements of a visitor's visa.

Q: If the individual doing the interview cannot read and write are they allowed to have someone there to help with the paperwork or will the embassy staff help?

If the applicant is illiterate or unable to complete the application, the applicant must be assisted by a third party. The third party can assist the applicant in completing the application and must

instruct the applicant on how to endorse the application on his/her behalf by clicking on the “submit application” link to complete the application. The person that helps them must also be identified in the application. If the third party would also like to be present at the interview to help with paperwork, that would be fine – just explain to the greeter when you arrive at the Embassy why an additional person will be attending the interview.

You can find more information about how to travel to the U.S. on our website, www.kingston.usembassy.gov. Keep on top of Embassy news on our Facebook page, <https://www.facebook.com/pages/US-Embassy-Jamaica> and by following @USEmbassyJA on Twitter. We also answer general visa questions on our Facebook and Twitter pages.